UNITED
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Secretariat

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ADMINISTRATIVE INSTRUCTION

To: Members of the staff

From: The Director of Personnel

Subject: SEPARATION FOR ABANDONMENT OF POST*

1. The purpose of the present instruction is to define what constitutes abandonment of post and to set out the procedure to be followed in cases where a staff member may be deemed to have abandoned his or her post.

What constitutes abandonment of post

2. Abandonment of post is a separation initiated by the staff member other than by way of resignation. It is considered a unilateral repudiation of the contract of employment and not a termination initiated by the Secretary-General as defined in article IX of the Staff Regulations and in staff rule 109.1 (b). The intent to separate may be presumed from the circumstances, in particular from the failure of the staff member to report for duty or to make a good-faith effort to perform assigned functions when directed to do so.

3. The absence of a staff member from his or her work, unless properly authorized as leave under staff rule 105.1 (b), as special leave under staff rule 105.2, as sick leave under staff rule 106.2 or as maternity leave under staff rule 106.3, may create a reasonable presumption of intent to separate from the Secretariat unless the staff member is able to give satisfactory proof that such absence was involuntary and was caused by forces beyond his or her control. Failure or refusal to undertake assigned functions may also be construed as abandonment of post unless the staff member is able to provide acceptable evidence of inability to do so. Seeking or acceptance of outside employment while on unauthorized absence or extended sick leave creates an even stronger presumption of intent to separate.

* Personnel Manual index No. 9035.

4. If the staff member reports to duty within the period specified in any warnings issued pursuant to the present instruction, the separation action may be cancelled. The staff member may however be subject to reprimand or to disciplinary measures under staff rule 110.1.

Procedure

5. Supervisors must report all unauthorized absences to the relevant executive or administrative officer, or the local Personnel Office in offices away from Headquarters, not later than the end of the fourth day of such absence. The executive or administrative officer should then endeavour to contact the staff member concerned by telephone or by any appropriate means, failing which a written communication should be addressed to the staff member at his or her last known address, requesting him or her to report for duty or provide a plausible explanation for his or her absence. In cases of possible illness, the Executive or Administrative Officer should call the staff member's attention to the requirements of subparagraphs (v), (vi) and (vii) of staff rule 106.2 (a) (see para. 9 below).

6. Unless the executive or administrative officer receives a medical certificate or plausible explanation for the absence within six working days, he or she shall refer the matter to the appropriate personnel officer, who should address a further written communication, by registered mail, personal delivery or other appropriate means, calling the staff member's attention to the earlier attempts to contact him or her and the absence of an appropriate response. The communication should remind the staff member of the provisions of staff rule 105.1 (b) (ii), under which payment of salary and allowances shall cease for the period of unauthorized absence. It should allow a further period of up to 10 working days for reporting to duty or submission of a medical certification or plausible explanation, and should warn the staff member that failure to do so would be considered abandonment of post and would lead to separation on that ground.

7. It is the responsibility of staff members to inform their supervisors of absences, whether due to illness or injury or to any other cause. It is also the responsibility of staff members to keep the Organization informed of their current address and the person to be notified in case of accident or emergency. If, despite due diligence on the part of the Organization, the staff member cannot be reached or contacted, either in person, by registered letter or other reliable form of communication to the address most recently provided by the staff member, or through family or friends, receipt of such notice will be deemed to have occurred.

8. If by the end of the specified period the staff member has failed to comply with the warning to report for duty or provide a plausible explanation or medical certificate, the Director, Staff Administration and Training Division, or the head of office at duty stations away from Headquarters, will submit a presentation to the Director of Personnel, recommending separation for abandonment of post. The effective date of separation will be the date of the decision of the Director of Personnel to treat the staff member's conduct as repudiation of the contract of employment or the date of expiry of a fixed-term appointment, whichever comes sooner.

Alleged incapacity for reasons of health

9. Where a staff member claims that his or her absence is the result of incapacity for reasons of health, his or her attention should be called to the provisions of staff rule 106.2 (a) (vi), which require the production of a certificate from a duly qualified medical practitioner stating the nature and probable duration of the illness. If the staff member fails to produce such certification or if the certification produced is not acceptable to the Medical Director, and sick leave is not certified, the executive or administrative officer shall immediately advise the staff member, with a copy to the personnel officer, that sick leave has been refused and that the staff member must report for duty immediately or be separated for abandonment of post. If the staff member disputes the decision, he or she may request that the matter be referred to an independent practitioner or to a medical board under the terms of staff rule 106.2 (a) (viii). Pending a final decision following the report of the medical board, the period following the date of notification that sick leave has been refused will be treated as non-compensable, in accordance with paragraph 9 of annex I to the Staff Regulations.

10. Whereas the certification or further certification of sick leave falls within the competence of the Medical Director, the determination as to whether or not the staff member had a valid excuse for failing to submit evidence of incapacity, or a plausible explanation for the absence, within the prescribed or reasonable time-limits, lies with the Office of Human Resources Management.

Abandonment of post following annual or special leave

11. Where a staff member has been absent from duty on approved annual or special leave and has failed to report for duty on the expiration of the approved period of leave, the supervisor shall report the matter to the Executive or Administrative Officer, who will attempt to communicate with the staff member as in paragraph 5 above. If the staff member fails to report for duty by the end of the approved period and does not furnish a plausible explanation within one week, the matter shall be referred to the Staff Administration and Monitoring Service, Office of Human Resources Management, for cases at Headquarters, or the head of office at duty stations away from Headquarters, whereupon the personnel officer concerned will proceed on the same lines as indicated in paragraph 6 above.

Separation action

12. Upon approval of separation for abandonment of post, the personnel officer concerned will process the separation action and will notify the staff member at the address most recently provided by him or her, advising of the Secretary-General's decision and the effective date in accordance with paragraph 8 above. Separation for abandonment of post is not termination and therefore the staff member will not be entitled to any notice of termination or the payment of termination indemnity, and no repatriation grant is payable under the terms of staff rule 109.5 (i).